

BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	NO. D-5317
)	
Gary A. Parkison, M.D.)	OAH No. N-09108
)	
Certificate No. A - 49604)	
)	
)	

DECISION

The Division of Medical quality non-adopted the Proposed Decision in this case and proceeded to decide the case itself upon the record, including the transcript. The parties were afforded the opportunity to present both written and oral argument before the Division itself.

Having reviewed the entire matter, the Division now makes this decision:

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Division of Medical Quality of the Medical Board of California as its Decision in this case, except there shall be two changes in the probation conditions, as follows:

Delete and strike all of condition 8 and insert the following in its place:

"8. Respondent shall not prescribe, administer, dispense, order, or possess any controlled substances as defined by the California Uniform Controlled Substances Act, except for those drugs listed in Schedule III, IV and V.

"However, respondent is permitted to prescribe, administer, dispense or order controlled substances in Schedule II for in-patients in hospital or hospice settings, and not otherwise."

Also add condition 9 as follows:

"9. Respondent shall maintain a record of all controlled substances prescribed, dispensed or administered by respondent during probation, showing all the following: 1) the name and address of the patient, 2) the date, 3) the character and quantity of controlled substances involved, and 4) the indications and diagnosis for which the controlled substance was furnished.

Respondent shall keep these records in a separate file or ledger, in chronological order, and shall make them available for inspection and copying by the Division or its designee, upon request.

All other conditions in the Proposed Decision remain unchanged.

The effective date of this Decision shall be October 26, 1994.

So ordered September 26, 1994.

Division of Medical Quality Review
Medical Board of California

BY: Karen McElliott
Karen McElliott
President of DMQ

BEFORE THE DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Against:)

GARY ALAN PARKISON, M.D.)
Certificate # A-49604)

No. D-5317

Respondent.)
_____)

ORDER GRANTING RECONSIDERATION

A Petition for Reconsideration was filed by the respondent on April 12, 1994.

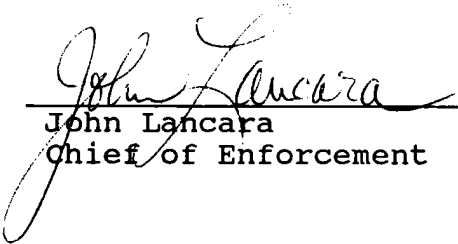
Having reviewed the matter, the Division of Medical Quality makes the following orders.

1. Order for Reconsideration is granted. The prior disciplinary decision is hereby vacated.

2. The parties will be subsequently notified of the time, date and place for presenting oral argument before the Division itself. No new evidence may be offered. The matter will be reconsidered on all pertinent parts of the record.

Dated: April 22, 1994

Division of Medical Quality
Medical Board of California



John Lancara
Chief of Enforcement

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	No. D-5317
)	
GARY ALAN PARKISON, M.D.,)	OAH No. N-09108
5161 Clayton Road, Suite F)	
Concord, CA. 94521)	
)	
Physician's and Surgeon's)	
Certificate No. A49604)	
)	
Respondent.)	
<hr/>		

PROPOSED DECISION

On November 22, 1993, in Sacramento, California, Leonard L. Scott, Administrative Law Judge, Office of Administrative Hearings, State of California, heard this matter.

Gail M. Heppell, Deputy Attorney General, represented the complainant.

Joan Deasy Robin, Attorney at Law, represented respondent Gary Alan Parkison, M.D., who was also present.

Evidence was received, the record was closed and the matter was submitted.

FINDINGS OF FACT

I

Dixon Arnett, Executive Director of the Medical Board of California (Board), filed the Accusation against respondent. Arnett acted in his official capacity.

II

On June 18, 1991, the Board issued physician's and surgeon's certificate number A49604 to respondent. The certificate is in full force and effect. On July 13, 1992, the Board issued to respondent a license to supervise physicians' assistants, license number SA20694.

III

On December 26, 1991, Jim Birdsong, an investigator with the Oklahoma State Board of Medical Licensure and Supervision (Oklahoma Board), filed a sworn Complaint against respondent with the Oklahoma Board. It alleged violations of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 1, 10, 12 and 17 and violations of the Oklahoma Boards Rules and Regulations, Section X, Rules 1 A, B and F regarding excessive prescribing and prescribing without medical need of controlled substances or narcotic drugs.

On December 26, 1991, Gerald C. Zumwalt, M.D., Secretary of the Oklahoma Board, signed a Citation which notified respondent of the filing of a Complaint against him, notified respondent of the charges against him and ordered him to appear for a hearing on the charges on February 28, 1992.

On or about June 26, 1992, respondent voluntarily waived his right to a hearing on the charges, submitted to the jurisdiction of the Oklahoma Board and agreed to the disciplining of his Oklahoma State Medical License. Respondent agreed that there was evidence for some disciplinary action against his medical license and for that reason chose not to contest the matter. Respondent agreed that his Oklahoma State Medical license was to be placed on probation for three years with several terms and conditions, including: not prescribing Class II controlled substances except for hospitalized patients; use of serially numbered, duplicate prescription pads for prescriptions of any controlled substances; and not supervising any Physicians' Assistant during probation. Respondent also agreed that violation of any of the terms and conditions was cause for further discipline of his Oklahoma State Medical license.

On June 26, 1992, the matter in the Complaint and the Citation came on for hearing by the Oklahoma Board. Respondent

was given notice of the hearing and appeared with legal counsel. He submitted his voluntary waiver of his right to a hearing and submission to jurisdiction of the Oklahoma Board.

On July 2, 1992, the Oklahoma Board issued a Final Order in the matter which placed respondent's Oklahoma State Medical License on probation for three years upon various terms and conditions. The terms and conditions in the Oklahoma Board's Final Order are the same as those offered by respondent in his voluntary waiver and submission to jurisdiction.

IV

In 1979, respondent graduated with his bachelors degree from Washington University in Saint Louis, Missouri. In 1984, he graduated from the University of Texas Medical School. During 1984-1985, he interned for one year in family practice at the Lutheran Medical Center in Saint Louis, Missouri. During 1985-1987, he was a resident in family practice for two years at the University of Oklahoma.

While respondent was in Houston, Texas, he helped found and practiced at the Montrose Clinic to treat sexually transmitted diseases in the gay community. In Saint Louis, he practiced at a similar clinic. From 1987 to 1989, respondent was the medical director of the Oklahoma City Indian Clinic. He was the medical director of the Southeast Area Health Center in Oklahoma City from 1989 to 1991. At the Health Center most of the patients were indigent. From 1986 to 1991, he also worked in the emergency and trauma center of the Shawnee Medical Center in Shawnee, Oklahoma. From 1987 to 1991, he was a member of the volunteer faculty of the Oklahoma University Medical School regarding family practice, community medicine and primary care of HIV patients. From 1987 to 1989, he was a consultant to an outpatient chemical dependency program and director of an AIDS education, testing and treatment program. From 1989 to 1991, he was director of an AIDS program and set up a model program for public health clinics for primary care of AIDS patients.

In 1991, respondent moved to California. He is in private practice in Concord, California, and works with a local AIDS hospice. In his work with the hospice, respondent must occasionally write prescriptions for Class II controlled substances for those patients who do not have a local private physician.

Although he is licensed to supervise physicians' assistants in California, respondent has not exercised that right.

Respondent has full medical staff privileges at John Muir Medical Center.

Respondent testified that he has complied with the terms of his probation from the Oklahoma Board.

V

Respondent has letters of support from Michael J. Cassidy, M.D., who works with respondent at the hospice, and from Christian N. Ramsey, Jr., M.D., Professor and Chairman of the Department of Family Medicine at the University of Oklahoma College of Medicine, who observed respondent during his residency there.

DETERMINATION OF ISSUES

I

Cause for discipline of respondent's physician's and surgeon's certificate was established pursuant to Business and Professions Code section 2305 by reason of Finding III.

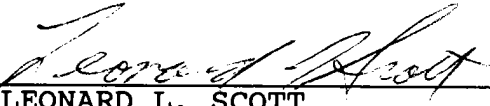
ORDER

The physician's and surgeon's certificate, number A49604, of respondent Gary Alan Parkison, M.D., is revoked pursuant to Determination of Issues I. However, the revocation is stayed and respondent is placed on probation for three (3) years on the following terms and conditions:

1. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California.
2. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation.
3. Respondent shall comply with the Division's probation surveillance program.
4. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice.

5. The period of probation shall not run during the time respondent is residing or practicing outside the jurisdiction of California. If, during probation, respondent moves out of the jurisdiction of California to reside or practice elsewhere, respondent is required to immediately notify the Division in writing of the date of departure, and the date of return, if any.
6. Upon successful completion of probation, respondent's certificate will be fully restored.
7. If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.
8. Respondent shall not prescribe, administer, dispense, order, or possess any controlled substances as defined by the California Uniform Controlled Substances Act, except for inpatients in a hospital or hospice setting, and not otherwise.

Dated: January 14, 1994


LEONARD L. SCOTT
Administrative Law Judge
Office of Administrative Hearings

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 JANA L. TUTON, Supervising
Deputy Attorney General
3 GAIL M. HEPPELL
Deputy Attorney General
4 1515 K Street, Suite 511
P.O. Box 944255
5 Sacramento, California 94244-2550
Telephone: (916) 324-5336

6 Attorneys for Complainant

7
8 BEFORE THE
MEDICAL BOARD OF CALIFORNIA
9 DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation)
Against:)

No. D-5317

12 GARY ALAN PARKISON, M.D.)
5161 Clayton Road, Suite F)
13 Concord, CA 94521)
Physician's and Surgeon's)
14 Certificate No. A49604)

ACCUSATION

15 Complainant, Dixon Arnett, alleges as follows:

16 1. He is the Executive Director of the Medical Board
17 of California (hereinafter "Board") and makes and files this
18 accusation solely in his official capacity.

19 2. On or about June 18, 1991, respondent Gary Alan
20 Parkison, M.D. (hereinafter "respondent") was issued physician's
21 and surgeon's certificate number A49604 by the Board. Said
22 certificate is currently in full force and effect.

23 3. Business and Professions Code sections 2220 and
24 2234 provide, in pertinent part, that the Division of Medical
25 Quality may take action against the holder of a physician's and
26 surgeon's certificate who is guilty of unprofessional conduct.
27

1 4. Business and Professions Code section 2305 provides
2 in part that the revocation, suspension, or other discipline by
3 another state of a license or certificate to practice medicine
4 issued by the state shall constitute unprofessional conduct
5 against such licensee in this state.

6 5. Respondent is subject to disciplinary action in
7 that he is guilty of unprofessional conduct within the meaning of
8 Business and Professions Code section 2305 as follows:

9 On July 2, 1992, the Oklahoma State Board of Medical
10 Licensure and Supervision issued a decision imposing discipline
11 on respondent's license to practice medicine in Oklahoma.
12 Respondent's license was placed on probation for a period of
13 three (3) years with terms and conditions. Said terms and
14 conditions included a prohibition against prescribing Class II
15 controlled substances except for hospitalized patients, a
16 prohibition against prescribing controlled dangerous substances
17 except on serially-numbered duplicate prescription pads. Copies
18 of all such prescriptions shall be made available to
19 investigators of the Oklahoma Board. During the period of
20 probation respondent is required to notify any hospital where he
21 holds privileges or clinic or group where he practices of the
22 terms of the Oklahoma Board's order. Respondent is prohibited
23 from supervising physician's assistants. A true and correct copy
24 of the decision of the Oklahoma State Board decision is attached
25 as Exhibit A and incorporated by reference as if set forth in
26 full.

27 ///

1 WHEREFORE, complainant prays that the Division of
2 Medical Quality hold a hearing on the matters alleged herein and
3 following said hearing issue a decision:

4 1. Revoking or suspending physician's and surgeon's
5 certificate number A49604 heretofore issued to respondent Gary
6 Alan Parkinson, M.D.;

7 2. Prohibiting respondent from supervising physician's
8 assistants; and

9 3. Taking such other and further action as it deems
10 necessary.

11 DATED: August 5, 1993

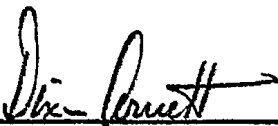
12
13 
14 DIXON ARNETT
15 Medical Board of California
16 Department of Consumer Affairs
17 State of California
18
19
20
21
22
23
24
25
26
27

EXHIBIT A

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)	
OKLAHOMA STATE BOARD OF)	
MEDICAL LICENSURE AND)	
SUPERVISION,)	
)	
Plaintiff,)	
v.)	
)	
GARY A. PARKISON, M.D.,)	CASE NO. 91-10-1243
Medical License No. 15420,)	
)	
Defendant.)	

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 26, 1992, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Mona Salyer Lambird, Andrews, Davis, Legg, Bixler, Milsten & Price, 500 West Main, Suite 500, Oklahoma City, OK 73102, appeared for the Defendant.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Gary A. Parkison, M.D., holds Oklahoma Medical License No. 15420.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That before hearing any testimony or reviewing any exhibits, the Board reviewed a Voluntary Submittal to Jurisdiction prepared by defense counsel and agreed to by the Defendant.
4. That the Board found the Voluntary Submittal to Jurisdiction and the terms and conditions thereof were an appropriate disposition of this case and accepted same.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq., and by the Voluntary Submittal to Jurisdiction executed by the Defendant.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Defendant, Gary A. Parkison, M.D., holding Oklahoma Medical License No. 15420, should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of three (3) years beginning on June 26, 1992, under the following terms and conditions:

- (a) During the period of probation Defendant may not prescribe Class II controlled dangerous substances except for hospitalized patients and may prescribe controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records on CDS and sample medication.
- (b) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (c) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (d) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (e) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (f) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (g) During the period of probation the Defendant shall not supervise any Physician Assistant.
- (h) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of this probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

3. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate

additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 2 day of July, 1992.

Gerald C. Zumwalt, M.D.
GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:

Daniel J. Gamino
DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 6 day of July, 1992, to:

GARY A. PARRISON, M.D.
c/o Mona Salyer Lambird
Andrews, Davis, Legg, Bixler
Milsten & Price
500 West Main, Suite 500
Oklahoma City, OK 73102

Janet L Owens

I do hereby certify that the above and foregoing is a true copy of the original Final
Order

now on file in my office.

Witness my hand and Official Seal
of the Oklahoma State Board of
Medical Licensure and Supervision

this 24th day of March, 1993

Janet L Owens